

Panaji, 29th January, 1987 (Magha 9, 1908)

SERIES I No. 44

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

24/5/79-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution read with the Government of India, Ministry of Home Affairs Notification No. F. 1/29/68-GP dated 29-6-1968 and all other powers enabling him in this behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Police Service Rules, 1973, namely:—

1. *Short title and commencement.*—(i) These rules may be called the Goa, Daman and Diu Police Service (First Amendment) Rules, 1987.

(ii) They shall come into force at once.

2. *Amendment of rule 5.*—In rule 5 of the Goa, Daman and Diu Police Service Rules, 1973, in clause (b), for sub-clause (i), the following sub-clause shall be substituted, namely:—

“(i) Officers who substantively hold the posts of Inspector of Police, excluding the posts of Inspector of Police (Motor Transport) and Inspector of Police (Wireless) under the Government of Goa, Daman and Diu”.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 12th January, 1987.

Power, Supply and Welfare Department

ORDER

3-7/68-69/FCS/LAWD/80-Vol. II

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with Order of the Government of India in Ministry of Agriculture (Department of

Food) G.S.R. No. 316 (E) dated 20th June, 1972, and with the prior approval of the Central Government conveyed vide letter No. 5(Bihar) (7)/85-D&R I dated 14-7-86 the Lieutenant Governor of Goa, Daman and Diu hereby makes the following Order, further to amend the Goa, Daman and Diu Foodstuffs Dealers Licensing Order 1979, as follows, namely:—

1. *Short title, extent and commencement.*—(1) This Order may be called the Goa, Daman and Diu Foodstuffs Dealers Licensing (Amendment) Order, 1987. (2) It extends to the whole of Union Territory of Goa, Daman and Diu. (3) It shall come into force at once.

2. *Amendment of Schedule.*—In the Goa, Daman and Diu Foodstuffs Dealers Licensing Order, 1979.—

(i) in Schedule I, item No. 1 shall be deleted and the remaining items “2 to 22” shall be re-numbered as “1 to 21”;

(ii) in Schedule II, against entry No. (v) for the words “All foodgrains taken together”, the words “All foodgrains taken together except rice and paddy” shall be substituted.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. W. Rane Sardesai, Under Secretary (A. R.).

Panaji, 16th January, 1987.

Law Department

Legal Affairs Branch

Notification

LD/1/87-L. A. B./11

The Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1986 (Act No. 44 of 1986) which was passed by Parliament and assented to by the President of India on the 8th September, 1986, and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 9-9-1986, is hereby republished for general information.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 12th January, 1987.

Sub: - Foodstuffs - The G.D. Foodstuffs Dealers Licensing (Amendment) Order, 1987.

Sub: - Immoral Traffic - The Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1986.

The Suppression of Immoral Traffic in Women and
Girls (Amendment) Act, 1986

AN
ACT

*further to amend the Suppression of Immoral Traffic
in Women and Girls Act, 1956.*

BE it enacted by Parliament in the Thirty-seventh
Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act
may be called the Suppression of Immoral Traffic in
Women and Girls (Amendment) Act, 1986.

(2) It shall come into force on such date as the
Central Government may, by notification in the
Official Gazette, appoint.

2. *Amendment of long title.*—In the
Suppression of Immoral Traffic in Wo-
men and Girls Act, 1956 (hereinafter ^{104 of 1956.}
referred to as the principal Act), in the
long title, for the words “the suppression
of immoral traffic in women and girls”,
the words “the prevention of immoral
traffic” shall be substituted.

3. *Amendment of section 1.*—In section 1 of the
principal Act, in sub-section (1), for the words “the
Suppression of Immoral Traffic in Women and
Girls”, the words and brackets “the Immoral Traffic
(Prevention)” shall be substituted.

4. *Substitution of references to certain expressions
by certain other expressions.*—Throughout the prin-
cipal Act [except sub-sections (3) and (4) of sec-
tion 6], unless otherwise expressly provided, for the
words “women and girls” and “woman or girl”,
wherever they occur, the words “persons” and “per-
son” shall respectively be substituted, and such
other consequential amendments as the rules of
grammar may require shall also be made.

5. *Amendment of section 2.*—In section 2 of the
principal Act,—

(a) in clause (a), for the words “of prostitu-
tion”, the words “of sexual exploitation or abuse”
shall be substituted;

(b) after clause (a), the following clause shall
be inserted, namely:—

“(aa) “child” means a person who has not
completed the age of sixteen years;”;

(c) existing clause (aa) shall be re-lettered as
clause (b) thereof, and in clause (b) as so re-
lettered, for the words “female undertrials”, the
word “undertrials” shall be substituted;

(d) existing clause (b) shall be omitted;

(e) after clause (c), the following clauses shall
be inserted, namely:—

“(ca) “major” means a person who has com-
pleted the age of eighteen years;

“(cb) “minor” means a person who has com-
pleted the age of sixteen years but has not com-
pleted the age of eighteen years;”;

(f) for clause (f), the following clause shall be
substituted, namely:—

“(f) “prostitution” means the sexual exploi-
tation or abuse of persons for commercial pur-
poses, and expression “prostitute” shall be cons-
trued accordingly;”;

(g) in clause (g),—

(i) in the opening portion, after the words
“kept under this Act”, the words “and where
appropriate technically qualified persons, equip-
ment and other facilities have been provided”
shall be inserted;

(ii) in sub-clause (i), for the words “female
undertrials”, the word “undertrials” shall be
substituted;

(h) for clause (j), the following clause shall be
substituted, namely:—

“(j) “trafficking police officer” means a po-
lice officer appointed by the Central Govern-
ment under sub-section (4) of section 13.”

6. *Amendment of section 3.*—In section 3 of the
principal Act, after sub-section (2), the following
sub-section shall be inserted, namely:—

“(2A) For the purposes of sub-section (2), it
shall be presumed until the contrary is proved, that
any person referred to in clause (a) or clause (b)
of that sub-section, is knowingly allowing the pre-
mises or any part thereof to be used as a brothel or,
as the case may be, has knowledge that the pre-
mises or any part thereof are being used as a bro-
thel, if,—

(a) a report is published in a newspaper hav-
ing circulation in the area in which such person
resides to the effect that the premises or any
part thereof have been found to be used for pro-
stitution as a result of a search made under
this Act; or

(b) a copy of the list of all things found
during the search referred to in clause (a) is
given to such person.”

7. *Amendment of section 4.*—In section 4 of the
principal Act, in sub-section (1),—

(a) for the words “a woman or girl”, the words
“any other person” shall be substituted;

(b) after the words “or with both”, the words
“and where such earnings relate to the pro-
stitution of a child or a minor, shall be punishable
with imprisonment for a term of not less than
seven years and not more than ten years” shall
be inserted.

8. *Amendment of section 5.*—In section 5 of the
principal Act,—

(a) in sub-section (1) for the portion beginning
with the words “shall be punishable” and ending
with the words “two thousand rupees”, the follow-
ing shall be substituted, namely:—

“shall be punishable on conviction with ri-
gorous imprisonment for a term of not less
than three years and not more than seven
years and also with fine which may extend
to two thousand rupees, and if any offence

under this sub-section is committed against the will of any person, the punishment of imprisonment for a term of seven years shall extend to imprisonment for a term of fourteen years:

Provided that if the person in respect of whom an offence committed under this sub-section,—

(i) is a child, the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years but may extend to life; and

(ii) is a minor, the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years and not more than fourteen years;”;

(b) sub-section (2) shall be omitted.

9. *Amendment of section 6.* — In section 6 of the principal Act, —

(a) in sub-section (1), —

(i) in the opening portion, for the words “any woman or girl, whether with or without her consent”, the words “any other person, whether with or without his consent” shall substituted;

(ii) in clause (b), for the words “that she may have sexual intercourse with any man other than her lawful husband”, the words “that such person may have sexual intercourse with a person who is not the spouse of such person” shall be substituted;

(iii) for the portion beginning with the words “on first conviction” and ending with the words “two thousand rupees”, the following shall be substituted, namely: —

“on conviction, with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.”;

(b) for sub-section (2), the following sub-sections shall be substituted, namely: —

“(2) Where any person is found with a child in a brothel, it shall be presumed, unless the contrary is proved, that he has committed an offence under sub-section (1).

(2A) Where a child or minor found in a brothel, is, on medical examination, detected to have been sexually abused, it shall be presumed, unless the contrary is proved, that the child or minor has been detained for purposes of prostitution or, as the case may be, has been sexually exploited for commercial purposes.”.

10. *Amendment of section 7.* — In section 7 of the principal Act, —

(a) after sub-section (1), the following sub-section shall be inserted, namely: —

“(1A) Where an offence committed under sub-section (1) is in respect of a child or minor, the person committing the offence shall be punishable with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.”;

(b) in sub-section (2), for the words “which may extend to two hundred rupees”, the following shall be substituted, namely: —

“which may extend to two hundred rupees, and if the public place or premises happen to be a hotel, the licence for carrying on the business of such hotel under any law for the time being in force shall also be liable to be suspended for a period of not less than three months but which may extend to one year:

Provided that if an offence committed under this sub-section is in respect of a child or minor in a hotel, such licence shall also be liable to be cancelled.

Explanation. — For the purposes of this sub-section, “hotel” shall have the meaning as in clause (6) of section 2 of the Hotel-Receipts Tax Act, 1980.”.

54 of 1980.

11. *Amendment of section 8.* — To section 8 of the principal Act, the following proviso shall be added, namely: —

“Provided that where an offence under this section is committed by a man, he shall be punishable with imprisonment for a period of not less than seven days but which may extend to three months.”.

12. *Amendment of section 9.* — In section 9 of the principal Act, —

(a) in sub-section (1), —

(i) the brackets and figure “(1)” shall be omitted;

(ii) for the portion beginning with the words “shall be punishable” and ending with the words “one thousand rupees”, the following shall be substituted, namely: —

“shall be punishable on conviction with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.”;

(b) sub-section (2) shall be omitted.

13. *Omission of sections 10 and 12.*— Sections 10 and 12 of the principal Act shall be omitted.

14. *Amendment of section 10A.*— In sub-section (1) of section 10A of the principal Act, in clause (a), the words, brackets and figures “and is not released under sub-section (1) or sub-section (2) of section 10” shall be omitted.

15. *Amendment of section 13.*— In section 13 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The Central Government may, for the purpose of investigating any offence under this Act or under any other law for the time being in force dealing with sexual exploitation of persons and committed in more than one State, appoint such number of police officers as trafficking police officers and they shall exercise all the powers and discharge all the functions as are exercisable by special police officers under this Act with the modification that they shall exercise such powers and discharge such functions in relation to the whole of India.”

16. *Amendment of section 15.*— In section 15 of the principal Act,—

(a) after the words “special police officer”, wherever they occur, the words “or the trafficking police officer, as the case may be,” shall be inserted;

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The special police officer or the trafficking police officer, as the case may be, entering any premises under sub-section (1) shall be entitled to remove therefrom all the persons found therein.”;

(c) after sub-section (5), the following sub-section shall be inserted, namely:—

“(5A) Any person who is produced before a magistrate under sub-section (5), shall be examined by a registered medical practitioner for the purposes of determination of the age of such person, or for the detection of any injuries as a result of sexual abuse or for the presence of any sexually transmitted diseases.

Explanation.—In this sub-section, “registered medical practitioner” has the same meaning as in the Indian Medical Council Act, 1956.” 102 o 1956.

(d) after sub-section (6), the following sub-section shall be inserted, namely:—

“(6A) The special police officer or the trafficking police officer, as the case may be, making a search under this section shall be accompanied by at least two women police officers, and where any woman or girl removed under sub-section (4) is required to be interrogated, it shall be done by a woman police officer and if no woman police officer is available, the interrogation shall be done only in the presence of a lady member of a recognised welfare institution or organisation.

Explanation.—For the purposes of this sub-section and section 17A, “recognised welfare institution or organisation” means such institution or organisation as may be recognised in this behalf by the State Government.”

17. *Amendment of Section 16.*— In sub-section (1) of section 16 of the principal Act, for clauses (a) and (b), the words “any person is living, or is carrying on, or is being made to carry on, prostitution in a brothel,” shall be substituted.

18. *Amendment of section 17.*— In sub-section (3) of section 17 of the principal Act, for the words “Provided that”, the following shall be substituted, namely:—

“Provided that where a person rescued under section 16 is a child or minor, it shall be open to the magistrate to place such child or minor in any institution established or recognised under any Children Act for the time being in force in any State for the safe custody of children:

Provided further that,”.

19. *Insertion of new section 17A.*— After section 17 of the principal Act, the following section shall be inserted, namely:—

“17A. *Conditions to be observed before placing persons rescued under section 16 to parents or guardians.*— Notwithstanding anything contained in sub-section (2) of section 17, the magistrate making an inquiry under section 17 may, before passing an order for handing over any person rescued under section 16 to the parents, guardian or husband, satisfy himself about the capacity or genuineness of the parents, guardian or husband to keep such person by causing an investigation to be made by a recognised welfare institution or organisation.”

20. *Amendment of section 18.*— In section 18 of the principal Act,—

(a) in sub-section (1), in clause (b), after the words “period of one year”, the words and figures “or in a case where a child or minor has been found in such house, room, place or portion during a search under section 15, during the period of three years” shall be inserted;

(b) in sub-section (3), for the words “expiry of one year”, the words “expiry of one year or three years, as the case may be” shall be substituted.

21. *Insertion of new section 21A.*— After section 21 of the principal Act, the following section shall be inserted, namely:—

“21A. *Production of records.*— Every person or authority who is licensed under sub-section (3) of section 21 to establish or maintain, or, as the case may be, for maintaining, a protective home or corrective institution shall, whenever required by a court, produce the records and other documents maintained by such home or institution before such court.”.

22. *Insertion of new section 22AA.*— After section 22A of the principal Act, the following section shall be inserted, namely:—

“22AA. *Power of Central Government to establish special courts.*— (1) If the Central Govern-

ment is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act and committed in more than one State, it may, by notification in the Official Gazette and after consultation with the High Court concerned, establish one or more courts of Judicial Magistrates of the first class or Metropolitan Magistrates for the trial of such offences.

(2) The provisions of section 22A, shall, so far as may be, apply to the courts established under sub-section (1), as they apply to courts established under that section."

23. *Amendment of section 23.* — In sub-section (2) of section 23 of the principal Act, for clause (b), the following clause shall be substituted, namely:—

"(b) the placing in custody of persons for whose safe custody orders have been passed under sub-section (1) of section 17 and their maintenance;"

24. *Amendment of the Schedule.* — In the Schedule to the principal Act, the figures, brackets and words "12(4) Metropolitan Magistrate or Judicial Magistrate of the first class" shall be omitted.

Establishment Branch

Notification

1-52-86/LD

In exercise of the powers conferred by sub-section (1) of section 7 of the Terrorist and Disruptive Activities Act, 1985 (Central Act 31 of 1985), the Administrator of Goa, Daman and Diu hereby constitutes the District and Sessions Court, North Goa, Panaji as a Designated Court for the whole of the Union Territory of Goa, Daman and Diu, for the purposes of the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. V. Kadneker, Under Secretary (Law).

Panaji, 15th January, 1987.

Sub: — Terrorist and Disruptive Activities Act — The Terrorist and Disruptive Activities Act — Constitution of Designated Court for the purposes of the Act